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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC

Issued by the Department of Transportation on March 26, 2003

NOTICE OF ACTION TAKEN -- DOCKET OST-2003-14538 -- 3

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Application of American Airlines, Inc. filed 2/14/03 for:

XX Waiver from the 90-day dormancy condition:

By Order 2001-5-26, the Department awarded American certificate authority and an allocation of seven weekly frequencies to operate services in the Miami-Medellin market beginning no earlier than October 1, 2002. These frequencies were subject to a dormancy condition that any frequencies not used for a period of 90 days (after they became available on October 1, 2002) would revert automatically to the Department for reallocation. On February 19, 2002, American sought relief from the condition in its certificate and frequency award so as to accelerate the startup of its Miami-Medellin service to June 1, 2002, citing a Diplomatic Note from the Government of Colombia. The Department granted American an exemption to accelerate the start-up date for all seven of its frequencies to June 1, 2002. (See Notice of Action Taken dated March 7, 2002, in Docket OST-2002-11620.) However, under the terms of the Diplomatic Note, only five of the seven frequencies would become effective on June 1, 2002, while the remaining two would become effective on October 1, 2002. By Notice of Action Taken dated August 26, 2002, the Department granted American a waiver from the 90-day dormancy condition for the other two frequencies, until October 1, 2002. American began Miami-Medellin service on June 1, 2002, with five weekly flights and began daily service on October 1, 2002. American temporarily reduced its Miami-Medellin service from daily to five weekly flights on January 16, 2003. The 90-day dormancy period for two frequencies would expire on April 16, 2003. American states that it intends to resume daily nonstop Miami-Medellin service on June 14, 2003, and requests a waiver from the 90-day dormancy condition for two of its frequencies until June 14, 2003.

Continental Airlines filed an answer stating that it does not object to American's request for a waiver for the short-term period ending June 14, 2003, but urges the Department to grant relief only if the two frequencies are returned to the Department for reallocation if American does not reinstitute service by June 14, 2003.

Applicant rep: Carl B. Nelson, Jr., 202-496-5647 DOT analyst: Sylvia Moore, 202-366-6519

DISPOSITION

XX Granted (see Remarks below)

The above action was effective when taken: March 26, 2003, through June 14, 2003¹

(See Reverse Side)

¹ American's waiver from the dormancy condition is effective through June 14, 2003, or until the date on which American resumes service with each of the frequencies, whichever occurs earlier. As to any frequency with which American does not begin service by June 14, 2003, its allocation with respect to that frequency will expire automatically.

**Action taken by: Paul L. Gretch, Director
Office of International Aviation**

Remarks: We find that grant of American's request, in the particular circumstances presented, is in the public interest. However, we are putting American on notice that there should be no expectation that an additional request will similarly be granted. As is our policy in considering dormancy waiver requests, we reserve the right to reexamine whether grant of this waiver continues to be in the public interest. Any future request to extend the dormancy waiver for the frequencies at issue here will have to be considered in light of the specific arguments offered and responses thereto, and in the context of the circumstances present at that time, including whether another carrier seeks to use the frequencies at issue.

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy, and (2) grant of the waiver was consistent with the public interest. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within seven (7) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electric version of this document is available on the World Wide Web at:
http://dms.dot.gov/reports/reports_aviation.asp*